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**Sent:** 9/14/2021 1:10:24 PM  
**To:** Gray, David [gray.david@epa.gov]  
**CC:** Gee, Randy [Gee.Randy@epa.gov]  
**Subject:** ACTION: Region 6 Weekly Update September 14  
**Attachments:** Unused 09-09.docx

David, the draft weekly is below.

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## **R6 Weekly Update September 14, 2021**

### **Section 1: N/A**

### **Section 2: Regional Administrator Signature Items (R6 POC: David Gray, 214-789-2619).**

- **Regional Haze SIP, Louisiana:** By **September 17**, R6 expects to approve the Louisiana Regional Haze Progress Report SIP, which addresses the requirements of a periodic report that assesses visibility improvement toward regional haze reasonable progress goals and includes a determination of adequacy of the State's Regional Haze SIP for the first implementation period.
- **Mississippi River Cities and Towns Initiative:** EPA expects to sign a Memorandum of Common Purpose (MCP) with the Mississippi River Cities and Towns Initiative (MRCTI). The mutual interest spans three EPA program areas: Trash Free Waters, the Sustainable Materials Management program, and the Pollution Prevention program. The plan is to announce the new partnership at the MRCTI annual meeting in Baton Rouge.
- **Grambling State University, Louisiana:** In **September**, R6/OECA expect to sign an MOU with Grambling State University in Louisiana to formalize a partnership and enhance collaboration.
- **SIP Update, Oklahoma:** By **October 15**, R6 expects to propose approval of revisions to the Oklahoma State Implementation Plan (SIP) submitted on May 15, 2020, and February 9, 2021, to update general provisions definitions and incorporation by reference provisions. EPA is proposing approval because these revisions are consistent with federal requirements and ensure the Oklahoma SIP incorporates current federal requirements.

### **Section 3: Hot Topics**

#### **Major policy, regulatory, compliance, or enforcement activities**

- **Hurricane Ida, Louisiana:** See daily situation report for latest details.
- **Denka Performance Elastomers, LaPlace, Louisiana:** Hurricane Ida caused a stoppage of OECA's Continuous Air Monitoring Program (SPod). The Elementary School, Chad Baker, and Acorn monitors were taken down prior to Ida's landfall. On September 9, EPA's contractor visited each of the monitoring sites to reinstall specific equipment and verify that the equipment was functioning properly after the hurricane. Four of the six monitors were operational and capable of collecting chloroprene samples on September 10. For the High School and Hospital locations, the canister sample control boxes were sent to the manufacturer for upgrades and will be re-installed in one to two weeks.
- **Sewerage and Water Board of New Orleans, Louisiana:** The Sewerage and Water Board of New Orleans sent a formal notice of force majeure under the Third Modified Consent Decree on **September 3**. Hurricane Ida knocked down power for most of New Orleans including the Sewerage and Water Board. As of September 8, the Board ceased bypassing. The total amount bypassed was 468 million gallons.

- **Shell Oil Company Deer Park Refinery, Harris County, Texas:** By **September 17**, R6 plans to object to a proposed renewal of a Texas Title V permit for Shell Oil Company Deer Park Refinery submitted by the Texas Commission on Environmental Quality (TCEQ) to R6 for review on August 3. The anticipated objections relate to TCEQ's insufficient monitoring requirements to assure compliance with emission limits, improper inclusion of high-level NESHAP and NSPS limits, failure to incorporate all active permits by rule (PBRs), and impermissible incorporation of confidential requirements into the permit.
- **Formosa Plastics Corporation, Point Comfort, Texas:** On **September 13**, DOJ filed a Consent Decree with Formosa Plastics Corporation in Point Comfort, Texas. The CD resolves claims for violations of CAA Section 112(r)(1) and the Part 68 Risk Management Program regulations. A majority of the claims relate to eight incidents of fires, explosions, and releases of flammable and toxic substances at Formosa's facility that resulted in injuries to workers and on-site property damage. The settlement includes a civil penalty of \$2.85M as well as robust injunctive relief that Formosa has estimated to cost at least \$1.4M in the first year and \$500,000 annually thereafter, and that is estimated to reduce 144,902 pounds of extremely hazardous substances to the environment.
- **Globe Union, Garland, Texas:** On **September 4**, R6 began removal action operations at Park Crest Elementary near the Globe Union site in Garland, Texas. The removal action is projected to be completed by **November 12**.
- **Los Lunas Chemical Cache, Los Lunas, New Mexico:** During the week of **September 7**, R6's contractor mobilized to the Los Lunas Chemical Cache site in Los Lunas, New Mexico, and completed disposal of 53 bulked chemical containers. Five containers of Radium-226 remain onsite and are awaiting disposal, which is anticipated to be completed by **September 24**.
- **WildEarth Guardians, New Mexico:** In a letter dated **August 30** and received **September 7**, WildEarth Guardians (WEG) submitted a Notice of Intent to file suit for EPA's delay in responding to their March 2, 2021 Clean Air Act petition to designate the Permian Basin of New Mexico an ozone nonattainment area and find the New Mexico SIP substantially inadequate. WEG states that it has been over five months since EPA received the administrative petition, and WEG has not received a substantive response from EPA. WEG asserts that EPA's failure to act on the petition constitutes unreasonable delay under the Administrative Procedures Act and Clean Air Act. WEG further states that if EPA has not taken the actions requested in the petition, they will file suit to compel action after 180 days. WEG has asked EPA to designate to nonattainment certain areas of SE New Mexico and issue a SIP Call for the revision of the New Mexico SIP.
- **Superfund Grants, Oklahoma:** EPA program funding language to the Oklahoma Department of Environmental Quality for non-delegated programs is being modified due to jurisdiction concerns raised by the *McGirt* decision. R6 is on schedule to award Tar Creek Superfund Site cooperative agreements and the Henryetta Iron & Metal Superfund Site cooperative agreements to ODEQ by the end of September.
- **Blue Marlin Offshore Port, Cameron Parish, Louisiana:** Blue Marlin Offshore Port submitted supplemental information for this project and R6 acknowledged receipt on **September 7**. This action restarted the 30-day review to determine completeness of the PSD permit application. Blue Marlin proposes a crude oil export deep water port approximately 82 statute miles off the coast of Cameron Parish, Louisiana.
- **Cannon AFB, Curry County, New Mexico:** On **September 15**, the Air Force will host a quarterly virtual public meeting information session regarding Cannon Air Force Base in Curry County, New Mexico, to update residents about ongoing PFAS remedial activities.
- **Northwest Arkansas Conservation Authority, Arkansas:** On **September 8**, R6 discussed options with the state of Arkansas regarding the Total Phosphorus limit in the proposed draft NPDES permit for the Northwest Arkansas Conservation Authority (NACA) regional wastewater treatment facility. The discharges from this facility are significant since they are to Osage Creek then to the Illinois River, which R6 determined were not only impaired in Oklahoma, but also in Arkansas based upon the State's narrative criterion. The current permit has been administratively continued and included effluent limitation for total phosphorus of 0.1 mg/l. The current drafted permit considers raising the Total Phosphorus limit from 0.1 mg/l to 0.5 mg/l, principally based on the Illinois River MOA between Arkansas and Oklahoma, and not

necessarily based on CWA requirements for water quality based permits. R6 has held discussions with the state of Arkansas, state of Oklahoma, and facility representatives on this matter.

- **January Environmental Services, Inc., Oklahoma City, Oklahoma:** On **August 10**, DOJ filed a Motion to Compel defendant to respond to interrogatories. On **August 23**, defendant filed a response that demonstrated continued lack of commitment to respond. DOJ filed a reply on **August 27**, reemphasizing to the court to compel the defendants to provide documents as requested. This case involves violations of the used oil and hazardous waste regulations.

#### **Major events, emergencies/incidents, or meetings**

- **Hurricane Ida, Louisiana:** R6 is hosting twice-weekly calls with EJ stakeholders in Hurricane Ida-impacted areas of Louisiana.
- **North East 2nd Street Superfund Site, Happy, Texas:** On **September 7**, R6 presented the Proposed Plan for the North East 2nd Street site in Happy, Texas, at a virtual public meeting. The Texas Commission on Environmental Quality and Texas Department of State Health Services were present at the meeting.
- **Tulane Law Clinic and Mossville, Louisiana:** On **September 8**, R6 joined a meeting between HQ OEJ, Tulane Environmental Law Clinic and the Concerned Citizens of Mossville (CCOM), Louisiana. CCOM shared a list of concerns: (1) Ethylene Oxide emissions; (2) Dioxin study made by LEAN; (3) Contaminated waters; (4) State and Federal regulations; (5) NEJAC's remarks during August 2020 NEJAC meeting, and (6) Disparities about fence-line communities compared with other non-minority populations.
- **National Energy Advisory Team:** On **September 13**, R6 hosted the National Energy Advisory Team biweekly meeting which provides an opportunity for EPA Headquarters and Regional team members to share insights and discuss projects and related energy topics. The meeting included a presentation by OCSPP on Natural Gas Processing facilities within the scope of the Toxics Release Inventory (TRI), an update on the STRONGER MOU and IOGCC-EPA Taskforce meeting, and an update on regulation development regarding methane controls in the O&G sector.
- **SAFETEA Consultations, Oklahoma:** Individual SAFETEA tribal consultations have been requested and scheduled with Wichita & Affiliated Tribes (**Sept. 17**); Pawnee Nation (**Sept. 23**); Osage Nation (**Sept. 28**), Cherokee Nation (**Oct. 1**); Choctaw Nation (**Oct. 1**); Quapaw Nation (**Oct. 13**); Muscogee Creek Nation (**Oct. 13**); and Sac and Fox Nation (date pending).
- **Circle Court Ground Water Plume Superfund Site, Willow Park, Texas:** On **September 28**, R6 will hold a virtual public meeting to present the proposed remedy, receive comments and answer questions during the public comment period for the Circle Court Ground Water Plume Superfund Site proposed plan in Willow Park, Texas. The proposed interim remedy of soil vapor extraction in the source area will address residual trichloroethene (TCE) contamination in the vadose zone.
- **Sasol Chemicals, Westlake, Louisiana:** Due to recovery efforts for damage from Hurricane Ida, the August 31 virtual community outreach webinar to educate and inform residents of human hazards associated with ethylene oxide emissions from the Sasol Chemicals facility in Westlake, Louisiana, is rescheduled to **September 30**.

#### **Section 4: N/A**